

COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT

UNITED STATES DISTRICT COURT

CIVIL ACTION NO.: 04 CV 10632 MEL

MARY B. SMITH,

Plaintiff

vs.

DAVID C. NICHOLSON, TRUSTEE

OF THE D.J.J. REALTY TRUST,

DOMINIC M. SAWICKI,

TRUSTEE OF THE DOMINIC M.

SAWICKI NOMINEE TRUST,

AND CAROL ANN WHITNEY

AND GLENN WHITNEY,

Defendants

**DEFENDANT, DAVID'S NICHOLSON'S MOTION TO CONTINUE HEARING ON  
PLAINTIFF'S MOTION TO COMPEL PRODUCTION**

The defendant, David C. Nicholson moves this court to rescheduled the hearing on the Plaintiff's Motion to Compel Production scheduled for March 8, 2006 at 10:00 a.m. As reasons therefore, counsel for defendant states that he is scheduled to start trial at the Plymouth Superior Court on the matter of **Wolk v. Town of Plympton**, Civil Action Number PLCV1999-01537. Additionally, counsel for the defendant has advised all parties in this matter of this request.

/s/

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Francis J. Lynch, III, BBO 308 740  
John F. Gleavy, BBO 636 888  
Attorney for defendant, David C. Nicholson  
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/s/

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John F. Gleavy

